

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fred E. Stanke et al.

Application No.: 09/533,613

Filed: March 22, 2000

For: APPARATUS FOR IMAGING  
METROLOGY

Batch No. 7897

Group Art Unit: 2877

Examiner: Hoa Q. Pham

**SUBMISSION OF ISSUE FEE AND  
REQUEST TO TRANSFER PTO'S ISSUE  
FEE CREDIT RECEIVED IN THE PTO  
FEBRUARY 4, 2005, FOR PARTIAL  
PAYMENT OF NEW NOTICE OF  
ALLOWANCE AND FEE(S) DUE  
MAILED JULY 20, 2005**

353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
(415) 772-4900

Box ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 11, 2005.  
STALLMAN & POLLOCK LLP

Dated: 10/11 /2005By: Georgia K. Stith

Georgia K. Stith

Sir:

On November 19, 2004, the Examiner issued a Notice of Allowance and Fee(s) Due in the above-identified application. On February 4, 2005, Applicants filed a Submission of Issue Fee with a check in the amount of \$715.00 in full payment of the issue fee of \$700 (for a small entity), and \$15 fee for five (5) copies of the issued patent (Attach. A for your review).

On July 6, 2005, a Petition to Withdraw from Issue (Attach. B) was filed concurrently with a Request for Continued Examination (Attach. C) in the above application. Applicants also filed a Loss of Entitlement to Small Entity Status 37 C.F.R. §1.28(b) and paid large entity fees for the RCE filing. On July 11, 2005, Applicants' Petition to Withdraw the application from publication was granted. (Attachs. B and C are attached for your review.)

On July 11, 2005, Applicants were notified by the U.S. Patent Office that the Petition to Withdraw (Attach. D) was granted and cautioned as follows:

*"Petitioner is advised that the issue fee paid on February 4, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance." (Copy attached for your review.)*

Applicant respectfully requests that the issue fee and additional 5 copies fee paid by Applicant's Submission of Issue Fee filed as a small entity in the PTO February 4, 2005, for payment in full of Notice of Allowance and Fee(s) Due mailed November 19, 2004, be applied as partial payment towards the new Notice of Allowance issued July 20, 2005. Applicants are tendering a check to cover the insufficient Issue Fee difference of \$700.00. This additional \$700.00 fee payment, added to Applicants' previous payment of \$715.00, fully covers the fees for issue (\$1,400) and extra copies (\$15) requested by Applicants, for a total of \$1,415.00.

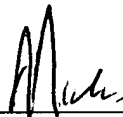
Attached to this request is a duly completed Patent and Trademark form PTOL-85B.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1703, under Order No. TTI-30200. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: October 11, 2005

By:   
Michael A. Stallman  
Reg. No. 29,444

Attorneys for Applicant(s)



Serial/Patent/Reg. No. 09/533,613

S&amp;P File No. TWI-30200

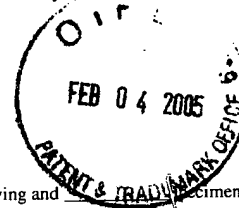
In the Matter of the Application of: Fred E. Stanke et al.

Title/Mark: APPARATUS FOR IMAGING METROLOGY

Date Mailed: 2/1/2005

Due Date: 2/19/2005

By: JDL:gks



The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

☒ Transmittal Letter ☒ Sub. Issue Fee☐ Patent Application☐ pgs. specification including ☐ pgs. claims☐ Drawings ☐ sheets ☐ formal ☐ informal☐ Oath/Declaration☐ Assignment w/ Form PTO-1595☐ Power of Attorney☐ Small Entity Declaration☒ Deposit Account Authorization (in duplicate)☐ Information Disclosure Statement, PTO-1449 w/ ☐ references☒ Check \$ 715.00☐ Amendment/Response☐ Request for Extension of Time (☐ months)(patent)☐ Terminal Disclaimer☐ Notice of Appeal☐ Appeal Brief (in triplicate)☐ Letter to Official Draftsman☒ Issue Fee Transmittal☐ Maintenance Fee Transmittal☐ Request for☐ Trademark (Use) Appln., Drawing and☐ ITU Trademark Application and Drawing☐ Request for Extension to Time (trademark)☐ (Notice of Allowance: ☐)☐ Statement of Use/Amendment to Allege Use☐ Section 8 & 15 Declaration☐ Trademark Renewal Application and ☐ Specimen☐ Opposition to☐ Petition for Cancellation☒ Certificate of Mailing☐ Express Mail Certificate No. ☐☐ Certificate under §3.73(b)☐ Certificate of Correction (PTO Form 1050)☐ Petition for☒ Other: post card

02/19/05 - Div./Cont. Application?

08/01/05 - Status - Patent Issue

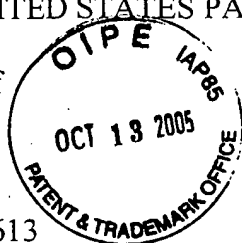
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fred E. Stanke et al.

Application No.: 09/533,613

Filed: March 22, 2000

For: APPARATUS FOR IMAGING  
METROLOGY

Confirmation No.: 7897

Group Art Unit: 2877

Examiner: Hoa Q. Pham

**SUBMISSION OF ISSUE FEE**353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
(415) 772-4900M/S ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**CERTIFICATE OF MAILING**I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents, P.O.  
Box 1450, Alexandria, VA 22313-1450 on February 1, 2005.  
STALLMAN & POLLOCK LLPDated: 02/1/2005By: Georgia K. Smith

Georgia K. Smith

Sir:

Per the Notice of Allowance and Issue Fee Due which was mailed November 19, 2005, enclosed for filing in the above-captioned case are form PTOL-85b and a check for \$715.00 to cover the issue fee of \$700.00, and the payment of \$15.00 for ordering five (5) advanced copies of the patent upon issuance.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. TWI-30200.  
**A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

STALLMAN &amp; POLLOCK LLP

Dated: February 1, 2005By: Jason D. LohrJason D. Lohr  
Reg. No. 48,163

Attorneys for Applicant(s)

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISS FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 (703) 746-4000

OCT 19 2005

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent Office orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

28584

7590

11/19/2004

STALLMAN & POLLOCK LLP  
 SUITE 2200  
 353 SACRAMENTO STREET  
 SAN FRANCISCO, CA 94111

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISS FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Georgia K. Stith

(Depositor's name)

Georgia K. Stith

(Signature)

February 1, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/533,613	03/22/2000	Fred E. Stanke	21964-708	7897

TITLE OF INVENTION: APPARATUS FOR IMAGING METROLOGY

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	<del>XXX</del> \$700	\$0	<del>XXX</del> \$700	02/22/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
PHAM, HOA Q	2877	356-376000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Stallman &amp; Pollock LLP

2

3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

THERMA-WAVE, INC.

1250 Reliance Way, Fremont, CA 94539

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee (No small entity discount permitted)☒ Advance Order - # of Copies 5

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment Deposit Account Number 50-1703 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party with a bona fide interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

Feb. 1, 2005

Typed or printed name

Jason D. Lohr

Registration No.

48,163

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TEL-0000 / TWI-30200

Serial/Patent/Reg. No. 09/533,613 S&P File No. TEL-0000 [TWI-30200] JDL:gks  
In the Matter of the Application of: Fred E. Stande et al.  
Title/Mark: APPARATUS FOR IMAGING METROLOGY

Date Mailed: HAND DELIVERED

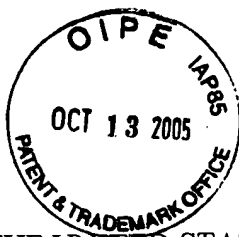
Due Date:

OCT 06 2005

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

<input type="checkbox"/> Transmittal Letter	<input type="checkbox"/> Trademark (Use) Appln., Drawing and Specimens
<input type="checkbox"/> Patent Application	<input type="checkbox"/> ITU Trademark Application and Drawing
<input type="checkbox"/> _____ pgs. specification including _____ pgs. claims	<input type="checkbox"/> Request for Extension to Time (trademark)
<input type="checkbox"/> Drawings _____ sheets _____ formal _____ informal	<input type="checkbox"/> (Notice of Allowance: _____)
<input type="checkbox"/> Oath/Declaration	<input type="checkbox"/> Statement of Use/Amendment to Allege Use
<input type="checkbox"/> Assignment w/ Form PTO-1595	<input type="checkbox"/> Section 8 & 15 Declaration
<input type="checkbox"/> Power of Attorney	<input type="checkbox"/> Trademark Renewal Application and _____ Specimen
<input type="checkbox"/> Small Entity Declaration	<input type="checkbox"/> Opposition to _____
<input checked="" type="checkbox"/> Deposit Account Authorization (in duplicate)	<input type="checkbox"/> Petition for Cancellation
<input type="checkbox"/> Information Disclosure Statement, PTO-1449 w/ _____ references	<input type="checkbox"/> Certificate of Mailing
<input checked="" type="checkbox"/> Check \$ 130.00	<input type="checkbox"/> Express Mail Certificate No. _____
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Certificate under §3.73(b)
<input type="checkbox"/> Request for Extension of Time (_____ months)(patent)	<input type="checkbox"/> Certificate of Correction (PTO Form 1050)
<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> <del>XXXXXXXXXX</del> postcard
<input type="checkbox"/> Notice of Appeal	<input checked="" type="checkbox"/> Other: <u>Petition to Withdraw Appln.</u>
<input type="checkbox"/> Appeal Brief (in triplicate)	<input type="checkbox"/> <u>From Issue Per 37 CF\$ 1.313(c)(2)</u>
<input type="checkbox"/> Letter to Official Draftsman	
<input type="checkbox"/> Issue Fee Transmittal	
<input type="checkbox"/> Maintenance Fee Transmittal	
<input type="checkbox"/> Request for _____	

10/05/05 - Follow up - Petition Filed



-1-

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fred E. Stanke, et al.

Application No.: 09/533,613

Filed: March 22, 2000

For: APPARTUS FOR IMAGING  
METROLOGY

Confirmation No.: 7897

Group No.: 2877

Examiner: Hoa Q. Pham

**PETITION TO WITHDRAW  
APPLICATION FROM ISSUE  
PURSUANT TO 37 CFR 1.313(c)(2)**

353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
Telephone: (415) 772-4900  
Facsimile: (415) 398-2890

**HAND DELIVERED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on February 1, 2005.

Our check in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h) or (i) is enclosed.

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a submission under 37 CFR 1.114 (Request for Continued Examination with an Amendment), a copy of which is submitted herewith.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in

Atty Docket No.: TEL-0000 [TWI-30200]

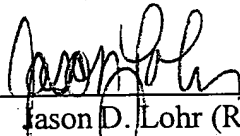
this application by this firm) to our Deposit Account No. 50-1703, under Order No. TELE-0000.

**A duplicate copy of this paper is enclosed.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Date: July 5, 2005

By:   
Jason D. Lohr (Reg. No. 48,163)

Attorneys for Applicant(s)





TELE-0000 - TWI-30200

Serial/Patent/Reg. No. 09/533,613

S&P File No. TEL-0000 [TWI-30200] JDL:gks

In the Matter of the Application of:

✓ Fred E. Stanke et al.

Title/Mark:

✓ APPARATUS FOR IMAGING METROLOGY

Date Mailed: HAND DELIVERED

Due Date:

06 2005

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Transmittal Letter x2                         | <input type="checkbox"/> Trademark (Use) Appln., Drawing and Specimens |
| <input type="checkbox"/> Patent Application                                       | <input type="checkbox"/> ITU Trademark Application and Drawing         |
| <input type="checkbox"/> pgs. specification including pgs. claims                 | <input type="checkbox"/> Request for Extension to Time (trademark)     |
| <input type="checkbox"/> Drawing sheets formal informal                           | <input type="checkbox"/> (Notice of Allowance: )                       |
| <input type="checkbox"/> Oath/Declaration   | <input type="checkbox"/> Statement of Use/Amendment to Allege Use      |
| <input type="checkbox"/> Assignment w/ Form PTO-1595                              | <input type="checkbox"/> Section 8 & 15 Declaration                    |
| <input type="checkbox"/> Power of Attorney  | <input type="checkbox"/> Trademark Renewal Application and Specimen    |
| <input checked="" type="checkbox"/> Small Entity Declaration /Loss of Status      | <input type="checkbox"/> Opposition to                                 |
| <input checked="" type="checkbox"/> Deposit Account Authorization (in duplicate)  | <input type="checkbox"/> Petition for Cancellation                     |
| <input type="checkbox"/> Information Disclosure Statement, PTO-1449 w/ references | <input type="checkbox"/> Certificate of Mailing                        |
| <input checked="" type="checkbox"/> Check \$ 790.00                               | <input type="checkbox"/> Express Mail Certificate No.                  |
| <input checked="" type="checkbox"/> Amendment/Response After Final                | <input type="checkbox"/> Certificate under §3.73(b)                    |
| <input type="checkbox"/> Request for Extension of Time (months)(patent)           | <input type="checkbox"/> Certificate of Correction (PTO Form 1050)     |
| <input type="checkbox"/> Terminal Disclaimer                                      | <input type="checkbox"/> Petition for                                  |
| <input type="checkbox"/> Notice of Appeal   |  |
| <input type="checkbox"/> Appeal Brief (in triplicate)                             |  |
| <input type="checkbox"/> Letter to Official Draftsman                             | <input checked="" type="checkbox"/> Other: postcard                    |
| <input type="checkbox"/> Issue Fee Transmittal                                    |  |
| <input type="checkbox"/> Maintenance Fee Transmittal                              |  |
| <input checked="" type="checkbox"/> Request for Continued Exam. (RCE)             |  |

10/05/05 - RCE Filed - 3 months status  
01/05/06 - Follow up - Amendment Filed

Doc Code:

HAND DELIVERED

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/533,613
Filing Date	March 22, 2000
First Named Inventor	Fred E. Stanke et al.
Art Unit	2877
Examiner Name	Hoa Q. Pham
Attorney Docket Number	TEL-0000 [TWI-30200]

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Loss of Entitlement to Small Entity Status

37 C.F.R. 1.28(b)

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

**3. Fees**

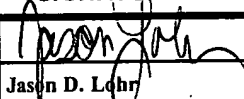
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1703. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 790.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature



Date

July 5, 2005

Name (Print / Type)

Jason D. Lehr

Registration No.

48,163

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature

Name (Print / Type)

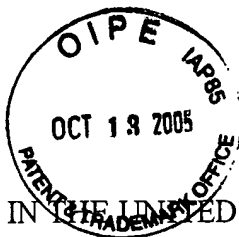
Georgia K. Stith

Date

July , 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fred E. Stanke et al.

Application No.: 09/533,613

Filed: March 22, 2000

For: APPARATUS FOR IMAGING  
METROLOGY

Confirmation No.: 7897

Group Art Unit: 2877

Examiner: Hoa Q. Pham

**LOSS OF ENTITLEMENT TO SMALL  
ENTITY STATUS 37 C.F.R. §1.28(b)**

353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
(415) 772-4900

M/S AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**HAND DELIVERED**

Sir:

The status of the owner of this patent has changed from that of a small entity to other than that of a small entity.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: July 5, 2005

By: 

Jason D. Lohr  
Reg. No. 48,163

Attorneys for Applicant(s)



STALLMAN & POLLOCK LLP  
353 Sacramento Street, Suite 2200  
San Francisco, CA 94111  
(415) 772-4900

In re Patent Application of: Fred E. Stanke et al.

Atty Docket No. TEL-0000 {TWI-30200}

Application No.: 09/533,613

Filed: March 22, 2000

Confirmation No.: 2877

For: APPARATUS FOR IMAGING METROLOGY

M/S RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmittal herewith is an amendment in the above-identified application.

The fee has been calculated as shown below.

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	15	MINUS	21	0	x \$50 =	\$0
INDEP.	2	MINUS	5	0	x \$200 =	\$0
FIRST PRESENTATION OF MULTIPLE DEP CLAIMS					+ \$360	\$0
					TOTAL	\$0

Small Entity 50% Filing Fee Reduction (if applicable)

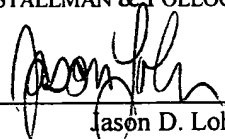
\$0

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3  
\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.)

- ☒ Attached for filing are: (a) Loss of Entitlement to Small Entity Status 37 C.F.R. §1.28(b); and (b) Request for Continued Examination (RCE).
- ☒ A check in the amount of \$790.00 is attached in full payment of the RCE filing fee.
- ☐ Please charge any additional fees, including any fees necessary for extensions of time or credit overpayment to Deposit Account No. 50-1703, under Order No. TEL-0000.  
A duplicate copy of this sheet is enclosed.

STALLMAN & POLLOCK LLP

Dated: July 5, 2005

By:   
Jason D. Lohr (Reg. No. 48,163)  
Attorneys for Applicant(s)



PATENT

-1-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Fred E. Stanke, et al.

Application No.: 09/533,613

Filed: March 22, 2000

For: APPARATUS FOR IMAGING  
METROLOGY

Confirmation No.: 7897

Group Art Unit: 2877

Examiner: Hoa Q. Pham

**AMENDMENT AFTER FINAL**

353 Sacramento St., Suite 2200  
San Francisco, CA 94111  
(415) 772-4900

M/S RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**HAND DELIVERED**

Sir:

In accordance with the accompanying Petition to Withdraw Application from Issue and Request for Continued Examination, please amend the above-identified application as follows:

**Amendments to the Specification** begin on page 2 of this paper.

**Remarks/Arguments** begin on page 3 of this paper.

**Amendments to the Specification:**

Please replace the paragraph beginning on page 1, line 3 with the following rewritten paragraph:

--This application claims the benefit of priority to ~~U.S. Provisional Application Serial No. 60/118,217, filed February 1, 1999, and~~ U.S. Provisional Application Serial No. 60/125,462, filed March 22, 1999, and is a continuation-in-part of U.S. Utility Application Serial No. 09/495,821, filed February 1, 2000, now issued U.S. Utility Patent No. 6,690,473, all of which are incorporated herein in their entirety by reference.--

**REMARKS/ARGUMENTS**

Upon review of the application, it appears that the claim of priority was unclear. In order to ensure that a proper benefit of priority is granted to the present application, Applicants have amended the claim of priority, as set forth in the specification, for purposes of clarity. It is respectfully submitted that the lack of clarity of the previous statement of priority was due to inadvertent error, that the proper statement of priority would have been obvious to anyone reading the previous statement and reviewing the relevant references, and that the newly stated claim of priority does not attempt to gain any greater benefit of priority than was previously stated.

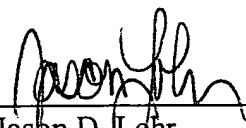
Consideration of the amendment proposed herein is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. TEL-0000.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: July 5, 2005

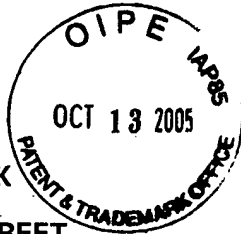
By:   
Jason D. Lohr  
Reg. No. 48,163

Attorneys for Applicant(s)



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OFFICE OF PETITIONS

In re Application of  
Fred E. Stanke et al  
Application No. 09/533,613  
Filed: March 22, 2000  
Attorney Docket No. 21964-708

ON PETITION

This is a decision on the petition, filed July 6, 2005, under 37 CFR 1.313<sup>(c)</sup>(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 4, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>

Additionally, in view of the paper entitled "Loss Of Entitlement To Small Entity Status 37 CFR § 1.28(b), filed July 6, 2005, this application no longer qualifies for small entity status. Therefore, all future fees must be paid at the large entity rate.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2877 will consider the request for continued examination under 37 CFR 1.114.

*Karen Creasy*  
Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

10/05/05 - RCE filed - 3 Months Status  
01/05/06 - Follow Up - Amendment filed  
CAS

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).